

THE LAW OFFICES OF
RICHARD MALAGIERE
A PROFESSIONAL CORPORATION
www.malagierelaw.com

Richard Malagiere
Member NJ & NY Bar
Registered Patent Attorney

250 MOONACHIE ROAD
3rd FLOOR
MOONACHIE, NJ 07074
201.440.0675
FAX: 201.440.1843

100 CHURCH STREET
SUITE 800
NEW YORK, NEW YORK 10007
212.879.5580
FAX: 212.879.5583

Michael Kahn
Registered Patent Agent
Leonard E. Seaman
Certified Civil Trial Attorney

***REPLY TO NJ OFFICE**

Writer's Direct Dial: 201.509.4180
Writer's e-mail: les@malagierelaw.com

August 8, 2024

VIA CM/ECF

The Honorable José R. Almonte, U.S.M.J
United States District Court for the District of New Jersey
Martin Luther King Building & U.S. Courthouse
Court Room PO 9
50 Walnut Street
Newark, New Jersey 07101

Re: LORENZO v. THE BOROUGH OF PALISADES PARK et al.
Civil Action No.: 2:23-cv-21849-CCC-JRA

ASHLEY V. THE BOROUGH OF PALISADES PARK, et al.
Civil Action No.: 22-cv-6285-CCC

Dear Judge Almonte:

This office represents plaintiffs David J. Lorenzo and Austin Ashley in the above referenced matters. All counsel have conferred, and we submit this joint letter in response to Your Honor's order dated July 25, 2024, requesting legal authority and a comprehensive representation of the parties' position advocating for the consolidation of these matters. (Lorenzo ECF # 40).

PLAINTIFFS' POSITION

The consolidation of these matters, "would facilitate the administration of justice." Ingram v. Cty. of Camden, 2019 U.S. Dist. LEXIS 7434 (D.N.J. Jan. 15,

2019). Consolidation is appropriate when there are common questions of law and fact. Borough of Edge Water v. Waterside Constr., LLC, No. 14-5060 (JMV), 2017 U.S. Dist. LEXIS 67976, at *10 (D.N.J. May 3, 2017). Consolidating actions is necessary when the actions are “based on the same underlying events, feature several of the same defendants and involve some significant overlap in the causes of action at issue.” Galicki v. New Jersey, 2014 U.S. Dist. LEXIS 114720 (D.N.J. Aug. 18, 2014).

Here, the factual allegations are based on the same underlying events and the defendants are identical. The defendants are the Borough of Palisades Park, Chong Paul Kim, Suk “John” Min, Stephanie S. Jang and Jae Park. Both complaints, moreover, allege defendants retaliated against plaintiffs in violation of their right to political speech, expression and association.

Both plaintiffs allege that Park and Min’s discriminatory actions were motivated by, plaintiffs’ political activity in during the November 2023 general election when they withdrew the Palisades Park Democratic Club’s support of Min’s candidacy for a seat on the Borough Council. Moreover, both plaintiffs allege that Jang and Park previously expressed their desire to replace Lorenzo as Borough Administrator and Ashley as Deputy Borough Administrator because they are not of Korean descent.

Both cases also present common questions of law. Both complaints contain five causes of action:

(1) RETAILIATION UNDER COLOR OF STATE LAW ON ACCOUNT OF CONSTITUTIONALLY PROTECTED SPEECH OR EXPRESSION (42 U.S.C. § 1983)

(2) GOVERNMENTAL POLICY OR PROCEDURE TO VIOLATE CIVIL RIGHTS - MONELL v. DEPARTMENT OF SOCIAL SERVICES, 436 U.S. 658 (1978)

(3) COMMON LAW CONSPIRACY TO VIOLATE CIVIL RIGHTS

(4) NEW JERSEY LAW AGAINST DISCRIMINATION, N.J.S.A. 10:5-1 to -49

(5) AIDING AND ABETTING NEW JERSEY LAW
AGAINST DISCRIMINATION, N.J.S.A. 10:5-1 to -49

The above referenced matters would benefit be consolidation. There are common questions of both law and fact. The consolidation, moreover, will facilitate the administration of justice based on the significant overlap of the matters.

DEFENDANTS' POSITION

All defendants agree the matters should be consolidated for discovery based on the reasons expressed above. The factual allegations in both complaints as to defendants are almost identical. For this reason, they believe consolidation for purposes of discovery is warranted.

Respectfully,

s/ Leonard Seaman
LEONARD E. SEAMAN

LES/me

cc: All counsel (via CM/ECF)
client (via e-mail)